



City of San Diego

MEMORANDUM

DATE: January 19, 2010

TO: Council President Ben Hueso

FROM: Councilmember Donna Frye

Councilmember Carl DeMaio

Donna Frye
Carl DeMaio

SUBJECT: Docketing of Ballot Proposals at City Council

At the January 13, 2010, Rules Committee meeting a number of ballot proposals submitted by members of the public and elected officials were on the agenda, under item 2, for discussion. However, only one proposal was discussed by the Committee. Council Policy 000-21 (attached) states that the proposals are to be reviewed and commented on by the Committee. As this did not happen, we request that you docket those ballot proposals that were on the agenda, but not discussed, for a full City Council hearing.

Thank you for your immediate attention.

DF/ks

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: SUBMISSION OF BALLOT PROPOSALS
POLICY NO.: 000-21
EFFECTIVE DATE: October 16, 1995

BACKGROUND:

The San Diego Municipal Code authorizes the City Clerk to oversee the conduct of elections within the City of San Diego. At the present time an established procedure exists for Council consideration of ballot proposals submitted by members of the public which includes public notification and time for consideration of proposals by the Rules Committee prior to their consideration by the Council. There is, however, no specific procedure for the submittal of ballot proposals by the City Manager, independent department directors, or a public agency. This results in confusion and, in some instances, little time for consideration of proposals prior to an election.

PURPOSE:

1. To limit consideration of ballot proposals to only those elections that are conducted throughout the entire city.
2. To establish procedures for the submittal of ballot proposals to the City Council, by members of the public, the City Manager, independent department directors, or a public agency.

DEFINITIONS:

For the purpose of this Council Policy, "public agency" means the San Diego Unified School District, San Diego Community College District, Retirement Board of Administration, and any similar entity.

POLICY:

I. Submittal of ballot proposals by members of the public:

- A. Ballot proposals may be submitted at any time to the office of the City Clerk.
- B. The City Clerk shall transmit promptly such submitted proposals to the Rules Committee Consultant.
- C. The Rules Committee Consultant shall place the proposals on the Rules Committee meeting agenda for subsequent review and comment by the Committee.
 1. The Rules Committee may request that proponents of a proposal or a City Department to furnish background information, provide an analysis of the proposal and report back to the Committee.
 2. A proposal that has received Rules Committee review and comment, and that is being forwarded to the Council for consideration, shall be referred to the City Clerk. The Clerk shall maintain it on file until such time as action by the Council is required for placing propositions before the electorate. This is generally the Council meeting held at least 120 days before the

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

election, as established by the Clerk's Calendar for the submission of ballot proposals. Background information and report materials shall be transmitted to the City Clerk for inclusion with Council exhibit materials when the item appears on the Council Docket.

- D. The Rules Committee may approve or reject proposals submitted for review. Only those proposals approved or forwarded to the full Council by the Committee will be brought to the City Council for action.
- E. Ballot propositions shall be placed before the electorate only at elections which are conducted throughout the entire City. Prior to each regularly scheduled city-wide election, the City Clerk shall prepare a calendar for the submission of ballot proposals, which will include the deadlines established by this policy.
 - 1. At least one hundred sixty-nine (169) days prior to any regularly scheduled city-wide election, the City Clerk shall place on the docket a notice of Council consideration of ballot proposals and a notice of the last date for submittal of ballot proposals to the City Clerk to enable required review by the Rules Committee prior to Council consideration for the upcoming election.
 - 2. At least one hundred twenty-seven (127) days prior to the election the City Clerk shall list on the Council docket under PUBLIC NOTICE the ballot proposals that have been referred back to the Clerk by the Rules Committee following Committee review. This includes only those proposals which have been forwarded to the Council for consideration.
 - 3. At the Council meeting scheduled at least one hundred twenty (120) days before the election, which is the meeting at which the Council directs the City Attorney to prepare the necessary resolutions and ordinances for the city-wide election, the City Clerk shall list on the docket for Council consideration the ballot proposals that were listed on the previous docket.
- II. Submittal of ballot proposals by the City Manager, independent department directors, or a public agency:
 - A. The City Manager, independent department director, or public agency, shall submit ballot proposals to the City Clerk for consideration by the Council. Proposals shall be submitted no later than 5:00 p.m. on the working day prior to the Clerk's docket deadline, for the Council meeting at which the Council directs the City Attorney to prepare the necessary ordinances for the election. This meeting must be held at least one hundred and twenty (120) days before the election, as noted in the Clerk's calendar for the submission of ballot proposals.
 - B. Proposals shall consist of a Request for Council Action (1472) and shall include a proposed resolution directing the City Attorney to prepare appropriate ballot language for the proposal.
 - C. The Clerk shall transmit promptly such submitted proposals to the Rules Committee Consultant in time for review and placement on the docket of the Council meeting at least 120 days prior to the election, as noted in the Clerk's calendar for the submission of ballot proposals.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

- D. The Rules Committee Consultant shall place the proposals on the Council Docket of the meeting at least 120 days prior to the election.

III. General Plan amendments to shift land from Future Urbanizing to Planned Urbanizing area:

Notwithstanding the procedures outlined in Sections I and II, proposed amendments to the General Plan in connection with redesignations of land areas that are currently designated as "Future Urbanizing", whether submitted by the public, the City Manager, independent department director, or public agency, shall be subject to the procedures of Council Policy 600-30 instead of this Policy.

IV. Council adoption of ballot propositions:

Notwithstanding the procedures outlined in Sections I and II, the City Council may at any time under the Rules of the Council adopt ballot propositions to be placed before the electorate.

V. Proposals to amend the City Charter:

All proposals to amend the City Charter shall be in writing with old language to be removed in strike-out and new language to be added underlined.

VI. Election costs for ballot proposals submitted by members of the public, the City Manager, independent department directors, or a public agency, adopted by the City Council:

The City Manager will make recommendations on the source of funding for individual ballot proposals, which may include, but is not limited to, the Citywide Program Expenditures-Citywide Elections budget, non-general fund budget, or agency budget. In general, ballot proposals should be funded by the department, fund or agency deriving the greatest benefit from the passage of said proposal.

HISTORY:

Adopted by Resolution R-216008 05/19/1976
Amended by Resolution R-258191 04/04/1983
Amended by Resolution R-260437 04/09/1984
Amended by Resolution R-264709 12/16/1985
Amended by Resolution R-286447 10/16/1995